

TODD N. BECKSTINE,)
)
Plaintiff,)
)
v.) No. 1:09-cv-43
) *Chief Judge Curtis L. Collier*
)
HAMILTON COUNTY JAIL, SHERIFF JIM)
HAMMOND; CHIEF SHOCKLEY,)
ERLANGER MEDICAL CENTER;)
)
Defendants.)

The Court is in receipt of a *pro se* prisoner's document entitled Motion for Immediate Ha[beas] Corpus, Emergency Medical Care, and Medical [I]ntervention (Court File No. 1). On March 13, 2009, the Court issued an order directing Todd Beckstine ("Beckstine") to either submit the full filing fee of \$5.00 if he chooses to file a habeas petition or \$350.00 if he chooses to file a § 1983 complaint, or complete and file an *in forma pauperis* application (Court File No. 2). In addition, Beckstine was directed to file a proper civil rights complaint pursuant to 42 U.S.C. § 1983, or a proper habeas petition pursuant to 28 U.S.C. § 2241 or 28 U.S.C. § 2254, because the Court was unable to determine what type of case he was attempting to file. Additionally, Beckstine was notified that non-compliance with the Court's order would jeopardize his prosecution of this action as the Court would dismiss the case for want of prosecution and despite any subsequent payment of filing fees the case would not be reinstated to the District Court's docket (Court Doc. 2).

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Rule 41(b) of the Federal Rules of Civil Procedure permits this Court to dismiss an action *sua sponte* for failure to prosecute or follow orders of the Court. This authority flows from the Court's inherent power to control its docket, prevent undue delays in the disposition of pending cases, and avoid congested court calendars. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962).

Therefore, this action will be **DISMISSED** for Beckstine's failure to prosecute and to comply with the Orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

A judgment will enter.

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE